

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: P/92/14/HH

LOCATION: 27 Sea Lane
Pagham

PROPOSAL: Detached double garage in front garden

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed pitched roof garage measures approximately 5.5m in width, depth of 5.5m with a maximum height of 4.5m.
SITE AREA	Approximately 581 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary has brick wall approximately 1.5m-1.7m in height, east and west side boundaries close boarded fencing approximately 1.5m-1.8m in height.
SITE CHARACTERISTICS	Detached two storey property that has recently been extended and refurbished with side dormers. The property has cream weatherboarding and a grey tiled roof. Front garden is laid to gravel.
CHARACTER OF LOCALITY	Residential road with properties set well back from the highway with front boundary walls, fencing and mature hedging. Properties are predominantly detached many of which have been extended with side dormers.

RELEVANT SITE HISTORY

P/54/11/	Extension and alterations	Refused 22-09-2011
P/105/11/	Extension & Alterations	Refused 17-02-2012 <i>Appealed</i> Appeal: Dismissed

report

09 05 2012

P/73/12/	Extension and alterations (resubmission following P/105/11/)	ApproveConditionally 19-10-2012
P/7/61	Alts & Adds	ApproveConditionally 19-04-1961
P/7/65/A	Alterations and additions	Approve 08-07-1965

REPRESENTATIONS

Representations received:

Pagham Parish Council

Objection

Members of Pagham Parish Council expressed concern at the prospect of possible precedent being established in respect of significant development in a front garden, particularly where the relatively deep frontage along Sea Lane were a contributory factor to the open character of the established streetscape. It was noted that an unauthorised front garden development (large timber shed) some 90 yards distant had been subject of enforcement action less than 2 years previously. Unfortunately the construction of a roadside brick wall which might have been argued to provide screening at this address (27 Sea Lane) currently appears to be the subject of planning dispute. Members felt that, without prejudice, there was no other option but to register an objection to the proposal put before them.

Arun District Council Local Plan 2014

...Chapter 13 Design..."13.3.24 Front garden amenity space...should reflect the character of other garden amenity spaces in the area and be designed in accordance with the 'Aspects of Form and Design Quality' policy...13.4.4..."should respond to an analysis of the specific site...and the distinctiveness of the wider setting...reflect the style of the existing building"...13.4.5"make a positive contribution to the locality"...13.4.6..."Development by virtue of design would be detrimental to the built environment, amenity or character will not be permitted".

PAGHAM VILLAGE DESIGN STATEMENT 2007

Page 9 Southern Pagham Development Criteria

(2) Significantly obtrusive enclosure of frontages should not be permitted

(4) Frontage treatment and streetscape materials should be consistent.

Informative (b) ..."Sea Lane north east side is generally composed of older chalet

Comments on Representations received:

Parish Council Objection comments noted

The application is to consider the erection of a detached garage and the front boundary wall is not part of this application.

1 Letter of Objection

report

This plot had a garage before the new occupant knocked the old house down. Perhaps the newly built house should have incorporated an integral garage rather than subject the whole road to outbuildings in the front garden. The whole concept is wrong for this road.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	
	D SP1 Design	
	SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

report

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality, impact upon the street scene, character and appearance of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks to construct a detached garage to the front of the site.

The properties along the northern section of Sea Lane are set well back from the road. The front boundary has a brick wall approximately 1.5-1.7m in height and the front garden is laid to gravel. The proposed garage will be sited in the south east corner approximately 1m from the front and east side boundary and will measure approximately 5.5m in width, depth of 5.5m and the pitched roof will be to a maximum height of 4.5m. It will have rendered walls and roof tiles to match the host dwelling.

Whilst the design and materials would be in keeping with the host dwelling it would be significantly higher than the front boundary wall and would appear as a discordant feature in the street scene. It was noted at the time of the officer's visit that there was the absence of buildings forward of the established building line on neighbouring properties along this section of the road.

By reason of its siting and scale the proposed garage would intrude into the open landscaped area in front of the houses, eroding the spaciousness that is a distinctive characteristic of the area.

report

It is therefore recommended that the application be refused.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

REFUSE

- 1 The proposed garage by reason of its siting and size would appear as a visual intrusion and erode the spacious and open appearance of the front garden and the surrounding area in conflict with Policy GEN7 of the Arun District Local Plan and policies DDM1 and DSP1 of the Emerging Local Plan, Paragraphs 56 and 57 of the National Planning Policy Framework.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

